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NOV 02 2006

OFFICE OF PETITIONS

In re Application of	:	
Afzali-Ardakani et al.	:	DECISION ON PETITION TO
Application No. 08/118,475	:	WITHDRAW HOLDING OF
Filed: 7 September, 1993	:	ABANDONMENT
Attny Docket No. IBM-109A	:	

This is a decision on the petition filed on 14 August, 2006, to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to timely submit corrected drawings in response to the Notice of Allowability mailed on 11 August, 1998, which set a three (3) month shortened statutory period for reply. Notice of Abandonment was mailed on 17 January, 2000.

Petitioners assert that the Notice mailed on 11 August, 1998, was not received because it was mailed to the wrong address due to USPTO error. Specifically, petitioners assert that a Change of Correspondence Address was filed, but that the Notice of Allowance was mailed to an old address.

In the absence of any irregularity in the mailing of the final Office action, there is a strong presumption that the final Office action was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the final Office action was not in fact received. The showing required to establish the failure to receive an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received

Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received" 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. § 711.03(c). The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the final Office action may have been lost after receipt rather than a conclusion that the final Office action was lost in the mail.

A review of the official file reveals that on 26 February, 1998, a Change of Correspondence was filed listing Thomas A. Beck, 15 Alameda Place, Mount Vernon, NY 10552 as the correspondence address. However, the Office communication mailed on 11 August, 1998, as well as the Notice of Abandonment mailed on 17 January, 2000, were mailed to the previous address of record and were returned as undeliverable. As such, the showing of record is that there was an irregularity in the mailing of the Notice mailed on 11 August, 1998, in that said Notice was not mailed to the proper address.

The Office apologizes for any inconvenience to petitioners.

Accordingly, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Although petitioners filed corrected drawings with the petition, the drawings have been objected to by the draftsman. A copy of the draftsman's review is enclosed for petitioner's reference. As the drawings are objected to, the Notice of Allowability will be remailed with a new time period for submission of corrected drawings. Petitioners should file corrected drawings.

The address on the petition is different than the correspondence address. A copy of this decision is being mailed to the address in the petition. All future correspondence, however, will be mailed solely to the address of record. A change of correspondence address should be filed if petitioners' address has changed.

The application is being referred to Technology Center 1700 Technical Support Staff for remailing of the Notice of Allowability mailed on 11 August, 1998.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

A handwritten signature in cursive script, appearing to read "D Wood".

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

cc: Thomas A. Beck
26 Rockledge Lane
New Milford, CT 06776-3949

Encl: PTO-948

NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 08/09/2004 are:

- A. approved by the Draftsperson under 37 CFR 1.84 or 1.152.
B. 5 objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. Corrected drawings are required.

1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings: Black ink or Color (3 sets required).

 Color drawings are not acceptable until petition is granted. Fig(s)

 Pencil and non black ink not permitted. Fig(s)

2. PHOTOGRAPHS. 37 CFR 1.84(b)

 One (1) full-tone set is required. Fig(s)

 Photographs may not be mounted. 37 CFR 1.84(e)

 Photographs must meet paper size requirements of 37 CFR 1.84(f). Fig(s)

 Poor quality (half-tone). Fig(s)

3. TYPE OF PAPER. 37 CFR 1.84(e)

 Paper not flexible, strong, white, and durable. Fig(s)

5 Erasures, alterations, overwritings, interlineations, folds, copy machine marks not accepted.

Fig(s) 1-11 (Copy Marks)

4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:

21.0 cm by 29.7 cm (DIN size A4) or

21.6 cm by 27.9 cm (8 1/2 x 11 inches)

 All drawing sheets not the same size.

 Sheet(s)

 Drawings sheets not an acceptable size. Fig(s)

5. MARGINS. 37 CFR 1.84(g): Acceptable margins:

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

 Margins not acceptable. Fig(s)

 Top (T) Left (L)

 Right (R) Bottom (B)

6. VIEWS. 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes, e.g., if Fig. 1 is changed to Fig. 1A, Fig 1B and Fig. 1C, etc., the specification, at the Brief Description of the Drawings, must likewise be changed.

 Views not labeled separately or properly.

Fig(s)

7. SECTIONAL VIEWS. 37 CFR 1.84(h)(3)

 Sectional designation should be noted with Arabic or Roman numbers. Fig(s)

8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)

 Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s)

9. SCALE. 37 CFR 1.84(k)

 Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction. Fig(s)

10. CHARACTER OF LINES, NUMBERS, & LETTERS. 37 CFR 1.84(l)

 Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality). Fig(s)

11. SHADING. 37 CFR 1.84(m)

 Solid black areas pale. Fig(s)

 Solid black shading not permitted. Fig(s)

12. NUMBERS, LETTERS, & REFERENCE CHARACTERS. 37 CFR 1.84(p)

 Numbers and reference characters not plain and legible. Fig(s)

 Figure legends are poor. Fig(s)

 Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1) Fig(s)

 English alphabet not used. 37 CFR 1.84(p)(2) Fig(s)

 Numbers, letters and reference characters must be at least 32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3). Fig(s)

13. LEAD LINES. 37 CFR 1.84(q)

 Lead lines missing. Fig(s)

14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(t)

 Sheets not numbered consecutively, and in Arabic numbers beginning with number 1. Sheet(s)

15. NUMBERING OF VIEWS. 37 CFR 1.84(u)

 Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s)

16. DESIGN DRAWINGS. 37 CFR 1.152

 Surface shading shown not appropriate.

Fig(s)

 Solid black surface shading is not permitted except when used to represent the color black as well as color contrast. Fig(s)

COMMENTS:

Reviewer SON LAM

Date 10/31/2006

If you have questions, call (703) ~~305-8404~~

Attachment to Paper No.

305-0333 (EXT. 133)